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FROM: PARIS

TO: Secretary of State

NO: POLTO 3249, MAY 13, 7 PM

PRIORITY

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SENT, DEPARTMENT POLTO 3249; REPEATED INFORMATION BONN POLTO 573,  
LONDON POLTO 873, MOSCOW POLTO 183, BERLIN POLTO 73.

LIMIT DISTRIBUTION

ALTHOUGH WE REALIZE PLANNING FOR POSSIBLE RETALIATORY MEASURES  
ENVISAGED DEPTOL 4359 MUST AT THIS STAGE BE LIMITED TO  
FOUR POWERS, REFTEL'S RECOGNITION ADVISABILITY HAVING  
FULL NATO SUPPORT PROMPTS US STRESS MINIMUM PREREQUISITES  
TO OBTAIN SUCH SUPPORT.

PRINCIPAL DIFFICULTY IS THAT POSSIBLE RETALIATORY MEASURES  
WOULD HAVE TO BE RELATED TO SPECIFIC ASPECTS OF CONTINGENCY  
PLANS ABOUT WHICH MOST MEMBERS NOT RPT NOT NOW INFORMED.  
THEY WOULD WE FEEL INSIST UPON FULL BRIEFING AT LEAST  
AS TO PARTICULAR SOVIET/GDR HARASSMENT MEASURES WHICH  
FOUR POWERS WOULD REGARD AS JUSTIFYING SPECIFIC FORMS  
OF RETALIATION. THIS COULD LEAD TO FULL DISCUSSION CONTINGENCY  
PLANS.

SOVIET/GDR MEASURES OF ESSENTIALLY POLITICAL NATURE  
AFFECTING STATUS GDR BUT NOT RPT NOT ACTUALLY  
ALLIED RIGHTS OF ACCESS) NOT RPT NOT LIKELY BE REGARDED  
BY SEVERAL MEMBERS AS JUSTIFYING KINDS OF RETALIATION  
ENVISAGED. ON THE CONTRARY, THEY MAY REGARD SUCH RETALIATORY  
MEASURES (AND MORE CERTAINLY ANY MILITARY ONES) AS UNNECESSARILY  
PROVOCATIVE AND AS LESSENING CHANCES OF FINDING NEGOTIATED  
SOLUTION.

WE ANTICIPATE THAT SOME MEMBERS (E.G. CANADA) WOULD TAKE  
POSITION

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PERMANENT

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POSITION THAT, TO EXTENT SUCH RETALIATION MEASURES JUSTIFIED, THEY WOULD AMOUNT TO ECONOMIC SANCTIONS AND AS SUCH COME UNDER ARTICLES 11 AND 41 OF UN CHARTER. MOREOVER WE FORESEE NEED FOR STRONG LEGAL BRIEF CONCERNING POSSIBLE INFRINGEMENT INTERNATIONAL LAW AND CERTAIN SPECIFIC TREATIES (E.G. WITH REGARD DARDANELLES).

EVEN IF AGREEMENT COULD BE OBTAINED FOR PARTICULAR MEASURES, WE BELIEVE MOST, IF NOT RPT NOT ALL, MEMBERS AFFECTED WOULD INSIST ON COST-SHARING ANY FINANCIAL BURDEN. IN LIGHT CURRENT STATUS NATO COST-SHARING GENERALLY, WE ANTICIPATE DISCUSSION COMPLEX COST-SHARING ARRANGEMENTS LIKELY BE PROLONGED AND MIGHT PRECLUDE QUICK RETALIATION.

FOR THESE REASONS WE WOULD URGE THAT NAC CONSULTATION ON THESE MATTERS SHOULD BE UNDERTAKEN ON BASIS CAREFULLY REFINED FOUR POWER PLANS AND NOT RPT NOT AS EXPLORATORY SOUNDING. BELIEVE CHANCES OBTAINING NAC CONCURRENCE, OR AT LEAST ACQUIESCENCE, WOULD BE ENHANCED TO EXTENT ISSUES COULD BE POSED IN TERMS LIMITED NUMBER, CONCRETE RETALIATORY MEASURES RELATED TO SPECIFIC CONTINGENCIES AND WITH ASSURANCE ANY MAJOR FINANCIAL BURDEN WOULD NOT FALL ON SMALL COUNTRIES.

WE WILL BE IN BETTER POSITION OFFER DETAILED COMMENTS AFTER RECEIPT POUCHED TEXT OF STUDY.

BURGESS

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